



## JIM MADAFFER

COUNCILMEMBER  
SEVENTH DISTRICT

April 9, 2007

Dear Concerned Citizen:

Thank you for expressing your concerns regarding the topic of "Mini Dorms". If there is a property of concern, or nuisance rental property, in your neighborhood Please email the property address to Councilmember Madaffer and on your behalf, we will forward that property's address to the City's Development Services (building records) Department (619-446-5200) to check for proper permits. If there is more construction occurring than indicated on the approved permit, Code Compliance will be contacted to follow up with an inspection of the property.

As an update, Councilmember Madaffer has been attacking the Mini Dorm issue very assiduously. Following the large community forum he hosted in September 2006, Councilmember Madaffer issued the attached memo to the Mayor requesting immediate action by the City staff to help stem the expansion of Mini Dorms in the College area. At that community forum, Councilmember Madaffer, Chair of the Land Use & Housing (LU&H) Committee, announced that Mini Dorms would be discussed at LU&H in November 2006.

The November LU&H meeting on Mini Dorms filled the City Council Chambers with residents who are fed up with the problem. Many residents testified that Mini Dorms, or nuisance rental properties, are ruining the characteristics of their quiet single family neighborhoods. City staff was directed to return to the March 2007 LU&H committee with recommendations on changes to the Municipal Code to reduce the number of single family homes from being converted to Mini Dorms. If you would like to read the staff reports on Mini Dorms click here:

November 2006

[http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW\\_OBJECTID=09001451800efbd4](http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW_OBJECTID=09001451800efbd4)

March 2007

[http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW\\_OBJECTID=09001451800ffaef](http://clerkdoc.sannet.gov/RightSite/getcontent/local.pdf?DMW_OBJECTID=09001451800ffaef)

If you would like to view the video of the LU&H meeting from March 2007, go to:  
[http://granicus.sandiego.gov/ViewPublisher.php?view\\_id=12](http://granicus.sandiego.gov/ViewPublisher.php?view_id=12) and click on March 7<sup>th</sup>.

At the March 7<sup>th</sup> LU&H meeting, the following actions were taken by the committee:

Action Item A	<u>Incorporate proposed amendments to Campus Impact Overlay zone in the 6<sup>th</sup> update to the Land Development Code including:</u> <ul style="list-style-type: none"> <li>• Reduce the campus impact parking threshold from 5 to 4 bedrooms to further restrict bedroom additions in existing structures.</li> <li>• Require a minimum of two enclosed parking spaces on the premises.</li> <li>• Modify the minimum parking design requirements for Single Family Dwelling Units to ensure proposed spaces are functional and minimize negative impacts on adjacent developments</li> <li>• Request further analysis on front yard hardscape reduction feasibility/alternatives (from 70% hardscape, to 50-64% hardscape)</li> </ul>
B	Take no action
C	Encourage all of the partners in the community to meet monthly (SDPD, SDSU, CACC, and mini dorm owners) to discuss ongoing issues and solutions.
D	Support SDPD Administrative Citation 6 month Pilot Program
E	Request further investigation if Redevelopment funds can legally be used to fund a NCC position to focus on building code violations of past and present mini dorm bedroom additions. Support NCC's training of SDSU NCC officer.
F	Direct staff and IBA to identify funding for the proposed changes or by creating a cost recovery system in order to hire two additional staff positions (a Land Development Investigator and Combination Dwelling Inspector, as outlined in the staff report) to work pro-actively in the Campus Impact Overlay Zone area to fully enforce existing codes.
G	Take no action

The Committee decided not to take action on Item B. This recommendation would have reduced the number of Parking Area B Permits for all parties within Parking Area B. It was discussed and determined it would not have the desired effect on reducing the number of mini dorms being created. The LU&H committee also decided NOT to take action on Item G, the proposal for owners of rental properties within the Campus Impact Overlay Zone to register their properties and current tenants directly with the City. The Committee requested the Mayor's staff to report back to LU&H in November 2007 with a progress report on the Police's pilot Administrative Citation program.

Two of the actions that Councilmember Madaffer sees as critical to the success of alleviating the nuisance rental property issues are:

Item A, the more stringent parking requirements; and

Item D, support for the Police Department's new and stronger Administrative Citation pilot program targeting mini dorms. Now, SDPD can levy immediate \$1,000 fines for parties to the tenants, and the property owner will also receive an Administrative Citation. The Development Services Department is working to make these changes to the next update of the Land Development Code. <http://www.sandiego.gov/development-services/industry/minidorm.shtml>

Councilmember Madaffer had previously asked SDSU for help in the community for monitoring student behavior. The LU&H Committee voted to support SDSU in funding a full-time Code Compliance officer for the College Area to assist with enforcement. The City of San Diego will be partnering with SDSU by providing the training for this Code Officer.

Additionally, the CAPP program has been updated and attached is information about what to do if there is a loud party. If there is an on-going noise issue please call (619) 236-5500 to report the incident.

Mini Dorms are not just an issue in San Diego. Cities and neighborhoods up and down the state are being impacted, and are now working together to stem the tide and lobby at the state level for new legislation. Councilmember Madaffer, in his role as the Affordable Housing Task Force Chair for the League of California Cities, is participating in this effort.

Lastly, another helpful resource that you may wish to check out is the **College Area Community Council** website at <http://www.cacc-sd.org/>. Go to the "Good Neighbor Documents" section for some good information. You may also be aware of the court case in 1990 that sought to impose restrictions on property owners in the College Area, and the city lost that case. This has been an on-going problem for years in the College Area, but unfortunately we can not legally impose a moratorium on building in the area. However, we are tightening the regulations for parking requirements for bedroom additions.

We hope that you and the majority of your neighbors will support Councilmember Madaffer in his effort to push forward programs and ordinances that will hinder the expansion of mini dorms; not only in the College Area but throughout the entire City. We are going to need your help! Thank you for letting Councilmember Madaffer know your concerns. We look forward to keeping in touch with you on this issue.

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## ***How does the CAPP program work?***

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The Community Assisted Party Program, (CAPP), aims to curb nuisance behavior at chronic party houses.

### ***FREQUENTLY ASKED QUESTIONS:***

#### **1. What does it mean when a house is "CAPP'd"?**

- A CAPP designation on a house is an indicator to officers that the house has been contacted for parties in the past, and changes their enforcement posture

#### **2. How is a house CAPP'd?**

- The decision of whether or not to CAPP a property is left to the discretion of the SDPD Division – there are three ways a house could be CAPP'd:
- 2 calls within 30 days for "PARTY", "415", or "59.5.0502" disturbances
- A citation or arrest is made when officers respond to a party call
- 5 neighbors from separate addresses can petition their SDPD division for consideration of CAPP designation

#### **3. What happens once a house is CAPP'd?**

- Both the property owner and the tenants are notified of the CAPP status by a letter
- If SDPD or SDSU police respond to the house again for a party, PC 415, or SDMC 59.5.0502 call, the notified tenants will be arrested (if appropriate, noise equipment will be impounded)
- If problems persist, the abatement process may be used

### **QUESTIONS?**

Contact your Mid-City CAPP Coordinator, Shelly Olson-Hill (619-516-3087), or your Neighborhood Prosecutor, Deputy City Attorney Kristin Beattie (619-516-3072).

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## ***What Can You Do About Loud Parties?***

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1) Try to have **open lines of communication** with all of your neighbors. Discuss your concerns about noise violations (consider sharing your work schedules and other sleep concerns with neighbors). Consider forming a “neighborhood watch” to improve everyone’s security and quality of life.

2) **Report crime to the police.**

**SDMC 59.5.0502(b)2(a)** states it is a misdemeanor if the following occurs: audible, amplified music is played after 10:00 p.m. and before 8:00 a.m., in such a manner as to be plainly audible at a distance of fifty feet from the building, structure, or vehicle in which it is located. This violation can be called in at 619-531-2000 and the responding officer may issue a citation if they hear the violation (NO citizen’s arrest would be needed). If the noise is NOT occurring when the officer arrives, a citizen’s arrest would be required.

**PC 415(2)** states it is a misdemeanor if the following occurs: a person maliciously and willfully disturbs another person by loud and unreasonable noise. This violation can be called in at 619-531-2000. Then, you will need to describe the disturbance in detail to the responding officers (i.e., loud music, cars, trash, loud talking, urinating in public, alcohol violations, and so forth). You will need to discuss any history of similar behaviors with the responding officers as well and tell them how the noise affected you (i.e., unable to sleep, cannot watch TV, unable to read, and so forth). Do not confront the offenders at their party. Let the police officers talk to them. You will be required to make a citizen’s arrest.

*IMPORTANT NOTE:* Document all incidents, incident numbers, and incident dates; take notes to give to responding officers to help them write their reports.

3) Contact the **National Conflict Resolution Center (NCRC)** and set up a **mediation** session. NCRC will work out guidelines between the property owner, tenants and you – both parties must volunteer to participate, and mediation services are free. Contact Randy West, Director of Community Mediation, at 619-238-2400, ext. 231, or check out [www.ncrconline.com](http://www.ncrconline.com).

### ***QUESTIONS?***

Contact your Neighborhood Prosecutor, Deputy City Attorney Kristin Beattie (619-516-3072), or your CAPP Coordinator, Shelly Olson-Hill (619-516-3087).

4) Contact the City's **Neighborhood Code Compliance Department (NCCD)** at 619-236-5500, (Monday-Friday, 9:00 a.m. - 3:00 p.m.), and file a complaint.

5) If you are considering a **Small Claims Court** action, contact San Diego's **Neighborhood Nuisance Program** – Fred Zuckerman, 533-6123, [fzuckerman@saniego.gov](mailto:fzuckerman@saniego.gov). These actions cost \$75.00 to file and each adult can file a \$7,500 claim against the property owner. Court action should be a last resort. Please follow the above suggestions before choosing this route, and consult an attorney before taking any legal action.

*QUESTIONS?*

Contact your Neighborhood Prosecutor, Deputy City Attorney Kristin Beattie (619-516-3072), or your CAPP Coordinator, Shelly Olson-Hill (619-516-3087).